

Exhibit No. 2Amendments to House Bill No. 359 Date 3-16-07

3rd Reading Copy

Bill No. HB 359

Requested by Representative Ernie Dutton

For the Senate Public Health, Welfare and Safety Committee

Prepared by Sue O'Connell

March 16, 2007 (9:07am)

1. Title, page 1, line 7 through 8.

Following: "AND" on line 7**Strike:** "AMENDING" through "MCA" on line 8**Insert:** "LIMITING LIABILITY FOR TESTING"

2. Page 1, line 12 through line 13.

Strike: "exceptions" on line 12 through "exemption" on line 13**Insert:** "limits on liability"

3. Page 1, line 13 through line 15.

Following: "(1)"**Strike:** remainder of line 13 through line 15**Insert:** "A clinical laboratory may, at the laboratory's discretion, provide clinical laboratory tests"

4. Page 1, line 17 through page 2, line 4.

Strike: subsections (2) through (4) in their entirety**Insert:** "(2) A clinical laboratory providing laboratory tests at the request of an individual is not responsible for interpreting the test results or providing any medical recommendations based on the test results to the individual. The clinical laboratory may not be held liable for the interpretation of laboratory test results by the individual or for any use the individual may make of the test results."**Renumber:** subsequent subsection

5. Page 2, line 19 through page 10, line 19.

Strike: sections 2 through 6 in their entirety**Renumber:** subsequent section

- END -

HOUSE BILL NO. 359

INTRODUCED BY E. DUTTON, BECKER, BOGGIO, BUTCHER, EVERETT, FRANKLIN, HEINERT,
HENRY, HIMMELBERGER, HINER, L. JONES, W. JONES, KOOPMAN, NOONEY, RICE, SANDS,
VAN DYK

A BILL FOR AN ACT ENTITLED: "AN ACT ~~REQUIRING~~ ALLOWING CLINICAL LABORATORY TESTING
TO BE CONDUCTED AT AN INDIVIDUAL'S REQUEST; AND ~~AMENDING SECTIONS 33-22-303,~~
~~33-22-512, 33-22-1521, 33-30-1014, AND 33-31-102, MCA. AND LIMITING LIABILITY FOR~~
~~TESTING.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Laboratory testing at individual's request --
~~exceptions -- insurance exemption limits on liability.~~ (1) A clinical laboratory
may, at the laboratory's discretion, provide clinical laboratory tests to an
individual without a request from a physician or other practitioner of the healing
arts licensed pursuant to Title 37.

(2) A clinical laboratory providing laboratory tests at the request of an
individual is not responsible for interpreting the test results or providing any
medical recommendations based on the test results to the individual. The clinical
laboratory may not be held liable for the interpretation of laboratory test
results by the individual or for any use the individual may make of the test
results.

(3) As used in this section, the following definitions apply:

(a) "Clinical laboratory" or "laboratory" means any facility or office in
which clinical laboratory tests are performed.

(b) "Clinical laboratory test" or "laboratory test" means:

(i) a microbiological, serological, chemical, hematological, radiobioassay,
cytological, biophysical, immunological, cytogenetical, or other examination that
is performed on material derived from the human body; or

(ii) any other test or procedure that is conducted by a laboratory or
facility and that provides information for the assessment of a medical condition

or for the diagnosis, prevention, or treatment of a disease.

~~(c) "Health care provider" means any person, corporation, or facility licensed by this state to provide health care, including but not limited to a physician, osteopath, dentist, nurse, or health care facility as defined in 50-5-101.~~

(c) "INDIVIDUAL" MEANS A PERSON 18 YEARS OF AGE OR OLDER.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 50, chapter 4, and the provisions of Title 50 apply to [section 1].

- END -

Summary of changes to HB359

- Highlights to title and catchline show how those amendments would fit in – what would be stricken and what would be added.
- Subsection (1) of Section 1 is substantially rewritten, while subsections (2) through (4) are cut. The Word document shows the way subsection (1) would read with the amendments made to it, and shows new wording for subsection (2) – a variation on the liability provisions that are in the 3rd reading copy of the bill as subsection (4).
- Subsection (3) of the Word document retains the definitions that are in the 3rd reading copy as subsection (5).
- Sections 2 through 6 of the bill are stricken. Section 1 of the 3rd reading copy of HB359 contained specific language saying insurance companies did not have to cover testing done at an individual's request. Sections 2 through 6 of the bill amended several sections of the insurance statutes that specified insurance must pay for laboratory tests, to include an exception for those that were provided pursuant to Section 1. Because Section 1 no longer addresses insurance coverage specifically, the amendments remove those sections.